

## **LESSON NUMBER 15**

### **TASK: RELIGIOUS ACCOMMODATION**

**CONDITION:** In a small group discussion environment.

### **STANDARD:**

- Define Army policy on religious accommodation.
- Define religious discrimination.
- Discuss the elements of religious discrimination.
- Identify categories of religious practices that can conflict with military duties.
- Explain the procedures for requesting religious accommodation.
- Discuss commanders' actions on requests for religious accommodation.

**TIME OF INSTRUCTION:** 1 hour

**LEAD IN:** Conflicts between a commander's responsibility for mission accomplishment and a soldier's religious practices have existed since the United States Army was formed. Colonial legislatures usually provided for religious needs; for example, providing chaplains and time for worship. Some legislatures allowed exemption from military service because of conscientious objection. The US Army has historically made a significant effort to meet the religious needs of its soldiers. In the past, little guidance was given to commanders on how to handle religious needs, which differed from prevailing cultural norms. The commander was expected to understand the soldier's beliefs and to decide whether or not to grant permission to practice these beliefs. At times there was a conflict between the military mission and the soldier's religious requirement. When this conflict was not resolved through accommodation or administrative means, judicial or nonjudicial action became the primary way to resolve the issue. As the Army becomes an increasingly diverse organization comprised of individuals from many faiths and religions, it is important for soldiers and leaders to understand the Army's policies on religious accommodation. During this lesson you will learn about religious accommodation. As leaders you need to understand the policies and be capable of addressing any issues that may arise concerning religious accommodation and religious discrimination.

*Discussion Question:* What do you think about when the word religion is used?

1. Whenever the term religion is used, most people think about Church, faith, or organized beliefs. Webster's defines religion as "an organized system of beliefs and rituals centering on a supernatural being or beings." Religion is basically an outward formal expression of one's spirituality.

2. The Army places a high value on the rights of service members to observe the tenets of their respective religions. It is the Army's policy to approve requests for accommodation of religious practices when they will not have an adverse impact on readiness, unit cohesion, health, safety, discipline, or otherwise interfere with the soldier's military duties. What this means is the accommodation of a soldier's religious practices cannot always be guaranteed at all times, but must depend on military necessity.

*Discussion Question:* What is your definition of religious discrimination?

3. Religious discrimination is defined as: Any action, intended or unintended, that unlawfully or unjustly results in unequal treatment of a person or groups based on religion and for which distinctions are not rational considerations.

4. Religious discrimination, like other forms of discrimination, can take place in many ways. Some of the most common elements of religious discrimination are:

a. Discounting the religious beliefs of others. If a person doesn't have strong religious views, or if they have strong religious views different from yours, then it's really easy to say "My beliefs are important, yours really aren't." Or saying "You know that group over there, that's not really a religion." This type of discounting also occurs when an individual with weak religious beliefs criticizes or discounts the strongly held religious beliefs of others.

b. Religious jokes/slurs. Religious jokes and slurs are no different than ethnic, racial, or sexist jokes. It is important to be aware that religious jokes can harm unit cohesion. An example of a religious slur may be: Bible Thumper, Holy Roller, Jewing somebody down, bottom of the totem pole.

c. Compulsory services. Religious services cannot be compulsory. A unit prayer breakfast, for instance, might be categorized as a compulsory religious service if attendance is mandatory. If a soldier dies, the commander must consider whether to honor that soldier with a memorial **service** or a memorial **ceremony**. A memorial service is a religious gathering, and must be voluntary. A memorial ceremony is a unit gathering with a patriotic focus. It is a time where the unit can express its closure, grief, and appreciation for a fallen comrade. While Scriptures and prayers may be included, the ceremony must be military or patriotic in focus and design. A memorial ceremony may be mandatory.

d. Exclusionary prayer. Another way that one may discriminate is through exclusionary prayer, for example, closing a public prayer "In Jesus Name," or "In the Name of Allah."

e. Stereotyping people by their religion.

f. Not associating with people because of their religious beliefs.

g. Not making arrangements to provide alternative services. This is a failure to consider the religious or worship needs of all individuals in the unit.

h. Lack of concern. Oftentimes, individuals who belong to religious minorities are overlooked when scheduling or posting services. Also, at times, leaders may neglect their duty to provide whenever possible for the religious needs of soldiers within the constraints of the mission.

*Discussion Question:* What are some types of religious practices that might conflict with military duties?

5. The Army relies on cohesion, teamwork, and discipline to accomplish its mission. This sometimes requires that the mission be placed before religious practices. Some of the religious practices that can conflict with military duties include: rituals, dress and appearance, diet, and medical beliefs.

6. *Rituals or worship services.* The ritual or worship service is one of the oldest, most complex, and persistent symbolic activities associated with religion. Many religions have certain days that are more important or holier than other days. Not all religions recognize the same day as holy days. For Jewish personnel, Sabbath is sundown Friday evening to sundown Saturday. For Moslems, the key time for worship is at noon or afternoon on Friday. These times are as important to a Moslem or a Jewish person as Sunday church services are for most Christians. (Instructor note: Not all Christians worship on Sunday. Some, such as Seventh Day Adventists, worship on Saturday.)

7. *Dress and appearance.* Subject to health, safety, or mission requirements, soldiers may wear religious articles, and jewelry that are not visible or apparent while in uniform. Soldiers may at times wear religious apparel while in uniform, such as during worship services. (See Below) (Religious apparel is defined as articles of clothing worn as part of the observance of the religious faith practiced by the soldier.)

a. Application of the term “neat and conservative” is not intended to limit the wear of religious apparel during worship services or other rites and rituals distinct to a faith or denominational group. (Commanders may for operational or safety reasons, place reasonable limits on the wear of non-subdued items of religious apparel during worship services or other rites and rituals conducted in the field.)

b. Some of the factors that are considered in determining whether an item interferes with a soldier’s military duties depends on the characteristic of the item, circumstances of its intended wear, and if the apparel may impair the safe and effective operation of weapons, military equipment, machinery, pose a health or safety hazard to the wearer or others, or interferes with the wearing or proper functioning of special or protective clothing or equipment.

c. Soldiers who are denied permission to wear an item of religious apparel must comply with the prohibition pending the review of the denial by the chain of command.

8. *Diet.* Some faith groups have religious tenets that prohibit the eating of specific foods or prescribe their preparedness. These dietary restrictions are normally prohibitions against specific foods rather than requirements to eat only a few select foods.

a. Most dietary needs are easily met in a garrison environment, but accommodation is more difficult in a field or combat environment. There are selected meals-ready-to-eat (MRE) which are designed to accommodate the religious dietary concerns of most soldiers.

b. Soldiers with a conflict between the diet provided by the Army and the diet required by the soldier's religious practice may also request an exception to policy to ration separately and take personal supplemental rations when in a field or combat environment.

9. *Medical.* The fourth area that may interfere with military duties is the conflict between some religious practices and normal Army medical procedures. These conflicts include belief in self-care, prohibitions against immunizations, blood transfusions, and/or surgery. The Army's concern is with the possible effect on the soldier's health and ability to carry out assigned tasks.

a. A soldier whose religious tenets profess self-care may request accommodation of this religious practice for non-emergency situations and non-life threatening illness or injury. However, commanders and military medical facilities will determine the time constraints for the soldier to recuperate without requiring other medical care. Soldiers who refuse to submit to recommended medical treatment because of religious practices will be referred to a medical board.

b. Individuals may request temporary waiver of the Area I immunizations or nonessential immunizations while stationed in CONUS units that have no contingencies for deployment. Individuals in units with deployment contingencies will be required to maintain immunizations as required by those contingencies.

10. When religious faith and practices place soldiers in conflict with military requirements, soldiers should submit a written request to their commander for an accommodation of religious practices. In many cases, the unit commander can grant the accommodation. In other situations, the commander may be unable to grant full accommodation due to the nature of the request, the mission of the unit, or other primary circumstances.

11. Military readiness, unit cohesion, health, safety, and discipline are the commander's concerns. If the commander disapproves the request, the soldier must comply with the commander's decision. However, the commander must forward the accommodation request packet (with all chain of command endorsements and decisions) to HQDA for final decision.

12. Requests for accommodation should be submitted to the commander in memorandum format or on a DA Form 4187. The request should contain the following information:

- a. The religious group with which the soldier is affiliated.
- b. Statement by a member of the clergy, leader, or other members of that religious group.
- c. Persons who are acquainted with the soldier and with the soldier's religious practices. A statement by the unit chaplain must be included. Review by staff judge advocate is also appropriate.
- d. Type of accommodation requested.

13. Commanders who receive requests for accommodation will consider:

- a. The high value the Army places on the rights of its members to observe their perspective religious beliefs.
- b. If the request is sincere and religiously based. Only sincere religiously based practices will receive consideration.
- c. If the requested religious practice would have an adverse impact on military readiness, unit cohesion, standards, health, safety, or discipline.
- d. The religious importance of the accommodation to the requester.
- e. The cumulative impact of repeated accommodations of a similar nature in the unit and the Army.
- f. Whether there are alternative means available to meet the requested accommodation.

14. When determining whether a practice is based on religion, it is important to remember religious practices are not limited to the mandatory tenets of a religious group. Religious practices required by individual conscience or personal piety may warrant the same consideration for accommodation even if not based on tenets of a recognized religious group. Commanders are encouraged to refer questions about religious practices to the unit or staff chaplain and to the staff judge advocate.

15. Commanders who receive requests for accommodation may approve or disapprove the request. Disapproved requests must be forwarded through the chain of command for further action or recommendations. Requests that are disapproved should contain specific reasons for the disapproval.

16. Pending a decision on the soldier's request for accommodation, commanders should consider one of the following interim measures:

- a. Excuse the soldier from duties or activities that conflict with the soldier's religious practices because of the nature or hours of those duties or activities.
- b. Require the soldier to perform alternative duties that do not conflict with the soldier's religious practices.
- c. Require the soldier to perform normal duties during hours that do not conflict with the soldier's religious practices.
- d. Grant the accommodation temporarily until a final decision is made.

17. When the commander does not approve requests for accommodation, and continued conflict between the unit's requirements and the soldier's religious practices is apparent, administrative action may be requested. These actions may include but are not limited to reassignment, reclassification, or honorable separation.

18. The Army will not entertain requests for religious accommodation of personal grooming standards (hair length or beards). With the exception of Sikhs who have been in continuous military service since 1985 (and who were granted accommodation prior to that time), the standards of AR 670-1 apply to hair and other grooming practices.

19. *CLOSING:* The Army places a high value on the rights of individuals to observe their religious tenets and practice those beliefs. If the accommodation can be made, then the request should be granted. However, there are times when the accommodation cannot be approved, as it will have an adverse impact on the unit mission, cohesion, health, safety, discipline or readiness.